

## Erin Leahy

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**From:** Erin Leahy  
**Sent:** Monday, May 5, 2025 4:58 PM  
**To:** Greg Taylor; Neil Ende  
**Cc:** Tracy Nayer; alyse.meislik@azag.gov; Swetnam Douglas; Jones Dylan; Dilweg Laura; Singer Nelson Michel; Pelton Sarah; Sparko Rochelle; Martindale Thomas  
**Subject:** RE: AZ v Avid Telecom et al. - Plaintiffs' First Request for Production to Avid Telecom

We can be available on Tuesday, May 13 btw 2-3pm or after 3:30pm. Do one of those time frames work on Tuesday 13<sup>th</sup>?

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**From:** Greg Taylor <gtaylor@tlgdc.com>  
**Sent:** Monday, May 5, 2025 10:15 AM  
**To:** Erin Leahy <erin.leahy@OhioAGO.gov>; Neil Ende <nende@tlgdc.com>  
**Cc:** Tracy Nayer <Tnayer@ncdoj.gov>; alyse.meislik@azag.gov; Swetnam Douglas <douglas.swetnam@atg.in.gov>; Jones Dylan <Dylan.Jones@azag.gov>; Dilweg Laura <Laura.Dilweg@azag.gov>; Singer Nelson Michel <michel.singernelson@coag.gov>; Pelton Sarah <Sarah.Pelton@azag.gov>; Sparko Rochelle <rsparko@ncdoj.gov>; Martindale Thomas <Thomas.Martindale@atg.in.gov>  
**Subject:** Re: AZ v Avid Telecom et al. - Plaintiffs' First Request for Production to Avid Telecom

Neil will be on travel to attend his daughter's commencement. How does the following week look?

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**From:** Erin Leahy <erin.leahy@OhioAGO.gov>  
**Date:** Monday, May 5, 2025 at 9:06 AM  
**To:** Greg Taylor <gtaylor@tlgdc.com>, Neil Ende <nende@tlgdc.com>  
**Cc:** Tracy Nayer <Tnayer@ncdoj.gov>, "alyse.meislik@azag.gov" <alyse.meislik@azag.gov>, Swetnam Douglas <douglas.swetnam@atg.in.gov>, Jones Dylan <Dylan.Jones@azag.gov>, Dilweg Laura <Laura.Dilweg@azag.gov>, Singer Nelson Michel <michel.singernelson@coag.gov>, Pelton Sarah <Sarah.Pelton@azag.gov>, Sparko Rochelle <rsparko@ncdoj.gov>, Martindale Thomas <Thomas.Martindale@atg.in.gov>  
**Subject:** RE: AZ v Avid Telecom et al. - Plaintiffs' First Request for Production to Avid Telecom

Greg and Neil,

Please let us know if Thursday, May 8 between 1pm-3pmET is going to work for a meet and confer on the ESI.

Thanks, Erin

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**From:** Erin Leahy  
**Sent:** Wednesday, April 30, 2025 5:41 PM  
**To:** Greg Taylor <gtaylor@tlgdc.com>; Neil Ende <nende@tlgdc.com>  
**Cc:** Tracy Nayer <Tnayer@ncdoj.gov>; alyse.meislik@azag.gov; Swetnam Douglas <douglas.swetnam@atg.in.gov>; Jones Dylan <Dylan.Jones@azag.gov>; Dilweg Laura <Laura.Dilweg@azag.gov>; Singer Nelson Michel <michel.singernelson@coag.gov>; Pelton Sarah <Sarah.Pelton@azag.gov>; Sparko Rochelle <rsparko@ncdoj.gov>; Martindale Thomas <Thomas.Martindale@atg.in.gov>  
**Subject:** RE: AZ v Avid Telecom et al. - Plaintiffs' First Request for Production to Avid Telecom

Hi Greg,

It looks like the best time for us to meet next week will be Thursday, May 8 between 1pm-3pmET. Does that work for you?

Thanks

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**From:** Erin Leahy  
**Sent:** Wednesday, April 30, 2025 3:13 PM  
**To:** Greg Taylor <[gtaylor@tlgdc.com](mailto:gtaylor@tlgdc.com)>; Neil Ende <[nende@tlgdc.com](mailto:nende@tlgdc.com)>  
**Cc:** Tracy Nayer <[Tnayer@ncdoj.gov](mailto:Tnayer@ncdoj.gov)>; [alyse.meislik@azag.gov](mailto:alyse.meislik@azag.gov); Swetnam Douglas <[douglas.swetnam@atg.in.gov](mailto:douglas.swetnam@atg.in.gov)>; Jones Dylan <[Dylan.Jones@azag.gov](mailto:Dylan.Jones@azag.gov)>; Dilweg Laura <[Laura.Dilweg@azag.gov](mailto:Laura.Dilweg@azag.gov)>; Singer Nelson Michel <[michel.singernelson@coag.gov](mailto:michel.singernelson@coag.gov)>; Pelton Sarah <[Sarah.Pelton@azag.gov](mailto:Sarah.Pelton@azag.gov)>; Sparko Rochelle <[rsparko@ncdoj.gov](mailto:rsparko@ncdoj.gov)>; Martindale Thomas <[Thomas.Martindale@atg.in.gov](mailto:Thomas.Martindale@atg.in.gov)>  
**Subject:** RE: AZ v Avid Telecom et al. - Plaintiffs' First Request for Production to Avid Telecom

Hi Greg:

We are amenable to an extension to Friday, May 2<sup>nd</sup> for responses to the three sets of RFPs to Defendants.

We will get back to you on dates/times of availability next week for a call about the ESI.

Thanks, Erin

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**From:** Greg Taylor <[gtaylor@tlgdc.com](mailto:gtaylor@tlgdc.com)>  
**Sent:** Wednesday, April 30, 2025 2:49 PM  
**To:** Erin Leahy <[erin.leahy@OhioAGO.gov](mailto:erin.leahy@OhioAGO.gov)>; Neil Ende <[nende@tlgdc.com](mailto:nende@tlgdc.com)>  
**Cc:** Tracy Nayer <[Tnayer@ncdoj.gov](mailto:Tnayer@ncdoj.gov)>; [alyse.meislik@azag.gov](mailto:alyse.meislik@azag.gov); Swetnam Douglas <[douglas.swetnam@atg.in.gov](mailto:douglas.swetnam@atg.in.gov)>; Jones Dylan <[Dylan.Jones@azag.gov](mailto:Dylan.Jones@azag.gov)>; Dilweg Laura <[Laura.Dilweg@azag.gov](mailto:Laura.Dilweg@azag.gov)>; Singer Nelson Michel <[michel.singernelson@coag.gov](mailto:michel.singernelson@coag.gov)>; Pelton Sarah <[Sarah.Pelton@azag.gov](mailto:Sarah.Pelton@azag.gov)>; Sparko Rochelle <[rsparko@ncdoj.gov](mailto:rsparko@ncdoj.gov)>; Martindale Thomas <[Thomas.Martindale@atg.in.gov](mailto:Thomas.Martindale@atg.in.gov)>  
**Subject:** Re: AZ v Avid Telecom et al. - Plaintiffs' First Request for Production to Avid Telecom

Erin:

We are still working on the document responses. I'm not sure we will be finished today, but I am sure we will have them completed before COB, Friday. Relatedly, we would like to have our discussion next week so that it does not detract our attention from the RFPs.

If it is acceptable to you and/or the leadership states to allow us until COB Friday to respond to the RFPs, please confirm. Also, please advise of your availability next week for the discussion re: ESI.

Best,  
Greg

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**From:** Erin Leahy <[erin.leahy@OhioAGO.gov](mailto:erin.leahy@OhioAGO.gov)>  
**Date:** Wednesday, April 30, 2025 at 11:52 AM  
**To:** Neil Ende <[nende@tlgdc.com](mailto:nende@tlgdc.com)>  
**Cc:** Tracy Nayer <[Tnayer@ncdoj.gov](mailto:Tnayer@ncdoj.gov)>, "[alyse.meislik@azag.gov](mailto:alyse.meislik@azag.gov)" <[alyse.meislik@azag.gov](mailto:alyse.meislik@azag.gov)>, Swetnam Douglas <[douglas.swetnam@atg.in.gov](mailto:douglas.swetnam@atg.in.gov)>, Jones Dylan <[Dylan.Jones@azag.gov](mailto:Dylan.Jones@azag.gov)>, Dilweg Laura

<[Laura.Dilweg@azag.gov](mailto:Laura.Dilweg@azag.gov)>, Singer Nelson Michel <[michel.singernelson@coag.gov](mailto:michel.singernelson@coag.gov)>, Pelton Sarah <[Sarah.Pelton@azag.gov](mailto:Sarah.Pelton@azag.gov)>, Sparko Rochelle <[rsparko@ncdoj.gov](mailto:rsparko@ncdoj.gov)>, Martindale Thomas <[Thomas.Martindale@atg.in.gov](mailto:Thomas.Martindale@atg.in.gov)>, Greg Taylor <[gtaylor@tlgdc.com](mailto:gtaylor@tlgdc.com)>

**Subject:** RE: AZ v Avid Telecom et al. - Plaintiffs' First Request for Production to Avid Telecom

Hi Neil,

We are available to talk tomorrow between 1:30-3:00pmET. Does that timeframe work for you? If so, we can send a calendar invite.

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**From:** Erin Leahy

**Sent:** Wednesday, April 30, 2025 11:50 AM

**To:** Neil Ende <[nende@tlgdc.com](mailto:nende@tlgdc.com)>

**Cc:** Tracy Nayer <[Tnayer@ncdoj.gov](mailto:Tnayer@ncdoj.gov)>; [alyse.meislik@azag.gov](mailto:alyse.meislik@azag.gov); Swetnam Douglas <[douglas.swetnam@atg.in.gov](mailto:douglas.swetnam@atg.in.gov)>; Jones Dylan <[Dylan.Jones@azag.gov](mailto:Dylan.Jones@azag.gov)>; Dilweg Laura <[Laura.Dilweg@azag.gov](mailto:Laura.Dilweg@azag.gov)>; Singer Nelson Michel <[michel.singernelson@coag.gov](mailto:michel.singernelson@coag.gov)>; Pelton Sarah <[Sarah.Pelton@azag.gov](mailto:Sarah.Pelton@azag.gov)>; Sparko Rochelle <[rsparko@ncdoj.gov](mailto:rsparko@ncdoj.gov)>; Martindale Thomas <[Thomas.Martindale@atg.in.gov](mailto:Thomas.Martindale@atg.in.gov)>; Greg Taylor <[gtaylor@tlgdc.com](mailto:gtaylor@tlgdc.com)>

**Subject:** RE: AZ v Avid Telecom et al. - Plaintiffs' First Request for Production to Avid Telecom

We will get back with you later today with some dates/times when we are available to discuss the ESI.

Erin B. Leahy  
Senior Assistant Attorney General  
Consumer Protection Section  
Office of Ohio Attorney General Dave Yost  
30 East Broad St., 14<sup>th</sup> Floor  
Columbus, Ohio 43215

Office number: 614-752-4730

[Erin.Leahy@OhioAGO.gov](mailto:Erin.Leahy@OhioAGO.gov)

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---

**From:** Neil Ende <[nende@tlgdc.com](mailto:nende@tlgdc.com)>

**Sent:** Wednesday, April 30, 2025 10:53 AM

**To:** Erin Leahy <[erin.leahy@OhioAGO.gov](mailto:erin.leahy@OhioAGO.gov)>

**Cc:** Tracy Nayer <[Tnayer@ncdoj.gov](mailto:Tnayer@ncdoj.gov)>; [alyse.meislik@azag.gov](mailto:alyse.meislik@azag.gov); Swetnam Douglas <[douglas.swetnam@atg.in.gov](mailto:douglas.swetnam@atg.in.gov)>; Jones Dylan <[Dylan.Jones@azag.gov](mailto:Dylan.Jones@azag.gov)>; Dilweg Laura <[Laura.Dilweg@azag.gov](mailto:Laura.Dilweg@azag.gov)>; Singer Nelson Michel <[michel.singernelson@coag.gov](mailto:michel.singernelson@coag.gov)>; Pelton Sarah <[Sarah.Pelton@azag.gov](mailto:Sarah.Pelton@azag.gov)>; Sparko Rochelle <[rsparko@ncdoj.gov](mailto:rsparko@ncdoj.gov)>; Martindale Thomas <[Thomas.Martindale@atg.in.gov](mailto:Thomas.Martindale@atg.in.gov)>; Greg Taylor <[gtaylor@tlgdc.com](mailto:gtaylor@tlgdc.com)>

**Subject:** Re: AZ v Avid Telecom et al. - Plaintiffs' First Request for Production to Avid Telecom

Please let us know when you are available for a call to discuss.

Neil S. Ende, Esq.

Managing Partner  
Technology Law Group, LLC  
[nende@tlgdc.com](mailto:nende@tlgdc.com)  
202-895-1707 (Office)  
202-256-0120 (Mobile)  
703-229-6741 PIN 854# (Voice Conference Bridge)

---

**From:** Erin Leahy <[erin.leahy@OhioAGO.gov](mailto:erin.leahy@OhioAGO.gov)>

**Date:** Monday, April 28, 2025 at 1:24 PM

**To:** Neil Ende <[nende@tlgdc.com](mailto:nende@tlgdc.com)>

**Cc:** Tracy Nayer <[Tnayer@ncdoj.gov](mailto:Tnayer@ncdoj.gov)>, [alyse.meislik@azag.gov](mailto:alyse.meislik@azag.gov) <[alyse.meislik@azag.gov](mailto:alyse.meislik@azag.gov)>, Swetnam Douglas <[douglas.swetnam@atg.in.gov](mailto:douglas.swetnam@atg.in.gov)>, Jones Dylan <[Dylan.Jones@azag.gov](mailto:Dylan.Jones@azag.gov)>, Dilweg Laura <[Laura.Dilweg@azag.gov](mailto:Laura.Dilweg@azag.gov)>, Singer Nelson Michel <[michel.singernelson@coag.gov](mailto:michel.singernelson@coag.gov)>, Pelton Sarah <[Sarah.Pelton@azag.gov](mailto:Sarah.Pelton@azag.gov)>, Sparko Rochelle <[rsparko@ncdoj.gov](mailto:rsparko@ncdoj.gov)>, Martindale Thomas <[Thomas.Martindale@atg.in.gov](mailto:Thomas.Martindale@atg.in.gov)>, Greg Taylor <[gtaylor@tlgdc.com](mailto:gtaylor@tlgdc.com)>

**Subject:** RE: AZ v Avid Telecom et al. - Plaintiffs' First Request for Production to Avid Telecom

Hi Neil and Greg,

We wanted to follow up with you to see if you had any revisions to the draft ESI protocol circulated to you on Tuesday, April 15<sup>th</sup>. I am attaching it again. If it is acceptable to you, we can get it filed by submitting it for the Court's review with an unopposed motion similar to the one filed for the entry of the protective order.

Please let us know if this version is acceptable to you, if you have revisions or would like to set up a call to discuss.

Thanks, Erin

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**From:** Erin Leahy

**Sent:** Tuesday, April 15, 2025 5:04 PM

**To:** Neil Ende <[nende@tlgdc.com](mailto:nende@tlgdc.com)>

**Cc:** Tracy Nayer <[Tnayer@ncdoj.gov](mailto:Tnayer@ncdoj.gov)>, [alyse.meislik@azag.gov](mailto:alyse.meislik@azag.gov); Swetnam Douglas <[douglas.swetnam@atg.in.gov](mailto:douglas.swetnam@atg.in.gov)>; Jones Dylan <[Dylan.Jones@azag.gov](mailto:Dylan.Jones@azag.gov)>; Dilweg Laura <[Laura.Dilweg@azag.gov](mailto:Laura.Dilweg@azag.gov)>; Singer Nelson Michel <[michel.singernelson@coag.gov](mailto:michel.singernelson@coag.gov)>; Pelton Sarah <[Sarah.Pelton@azag.gov](mailto:Sarah.Pelton@azag.gov)>; Sparko Rochelle <[rsparko@ncdoj.gov](mailto:rsparko@ncdoj.gov)>; Martindale Thomas <[Thomas.Martindale@atg.in.gov](mailto:Thomas.Martindale@atg.in.gov)>; Greg Taylor <[gtaylor@tlgdc.com](mailto:gtaylor@tlgdc.com)>

**Subject:** AZ v Avid Telecom et al. - Plaintiffs' First Request for Production to Avid Telecom

**Importance:** High

Hi Neil:

It seems that you are raising a concern that is not currently at issue. Defendants' Requests for Admission were not directed to each of the 49 Plaintiffs. The Requests for Admission were directed to the four Lead Plaintiff States and to the eleven States that brought state law claims.

The purpose of our request for an agenda as to nature of your disputes is to ensure that we are prepared to have a meaningful discussion. It is unclear why you would not want us to be prepared to discuss and respond to your concerns as that is the point of a meet and confer. As you are requesting a meeting with at least 13 attorneys, it would certainly be the best use of time for everyone to be prepared to discuss the nature of the disputes. For these reasons, we ask that you, at a minimum, identify the specific requests you want to address during any meeting. We can certainly listen to your concerns on the call and respond if we are able. However, without some notice as to the

nature of the disputes, it may be likely that we would need to set another call to fully respond to your concerns after we've had a chance to review the specific requests at issue and discuss with the respective Plaintiffs. Please let us know how you'd like to proceed.

I am attaching a draft of a Stipulated Protocol for ESI and Hard Copy documents. Please let us know if you'd like to set up a call to discuss.

Thank you, Erin



Erin B. Leahy  
Senior Assistant Attorney General  
Consumer Protection Section  
Office of Ohio Attorney General Dave Yost  
30 East Broad St., 14<sup>th</sup> Floor  
Columbus, Ohio 43215

Office number: 614-752-4730  
[Erin.Leahy@OhioAGO.gov](mailto:Erin.Leahy@OhioAGO.gov)

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**From:** Neil Ende <[nende@tlgdc.com](mailto:nende@tlgdc.com)>  
**Sent:** Monday, April 14, 2025 11:49 AM  
**To:** Erin Leahy <[erin.leahy@OhioAGO.gov](mailto:erin.leahy@OhioAGO.gov)>  
**Cc:** Tracy Nayer <[Tnayer@ncdoj.gov](mailto:Tnayer@ncdoj.gov)>; alyse.meislik@azag.gov; Swetnam Douglas <[douglas.swetnam@atg.in.gov](mailto:douglas.swetnam@atg.in.gov)>; Jones Dylan <[Dylan.Jones@azag.gov](mailto:Dylan.Jones@azag.gov)>; Dilweg Laura <[Laura.Dilweg@azag.gov](mailto:Laura.Dilweg@azag.gov)>; Singer Nelson Michel <[michel.singernelson@coag.gov](mailto:michel.singernelson@coag.gov)>; Pelton Sarah <[Sarah.Pelton@azag.gov](mailto:Sarah.Pelton@azag.gov)>; Sparko Rochelle <[rsparko@ncdoj.gov](mailto:rsparko@ncdoj.gov)>; Martindale Thomas <[Thomas.Martindale@atg.in.gov](mailto:Thomas.Martindale@atg.in.gov)>; Greg Taylor <[gtaylor@tlgdc.com](mailto:gtaylor@tlgdc.com)>  
**Subject:** Re: Plaintiffs' First Request for Production to Avid Telecom

Erin:

Thank you for your email and for agreeing to have an authorized representative of each of the 12 individual state Plaintiffs present at the meet and confer. Upon further consideration, however, we believe that we need to have an authorized representative of **each** of the 50 Plaintiffs present at the meet and confer as well as at all future meetings regarding discovery issues. Indeed, as you certainly understand, by signing the complaint, a representative of each of the Plaintiffs—not just the leadership team—has personally represented that he/she has conducted a good faith review of the complaint and that each allegation of fact and each claim at law—both federal and state—is well founded. Moreover, as the Requests for Admission were directed to each of the Plaintiffs—not just certain Plaintiffs or to the leadership team—we have the absolute right to inquire directly of each of them as to their personal knowledge of the state-specific facts allegedly supporting the complaint as well as their discovery responses, of which only each state-specific representative has the required personal knowledge. **Thus, to be clear, the request by the non-leadership team states that we deal only with the leadership team is rejected.**

Please reach out directly to a representative of each state to confirm their availability (or let us know if you would prefer that we do so). If any state is not prepared to participate fully in the discovery process and defend its federal and state claims on an individual basis, it is welcome to withdraw. (or we will request that the complaint be dismissed with prejudice as to that state, e.g., for failure to prosecute). However, as long as each state is a signatory to the complaint, it must defend its claims as well as its discovery responses to all state and federal claims on an individual basis.

It is our intention to take this matter to the judge if we cannot reach agreement with each of the states. Please note that our insistence on interacting directly with each state, for now, relates only to discovery matters; we are willing to work with the leadership team on other generic pleading/legal issues.

We are not comfortable sending our topics of inquiry in advance and we do not believe that we are required to do so. We will make those inquiries, as we deem appropriate, on a state-by-state basis, at the meet and confer conference.

Neil S. Ende  
Managing Partner  
Technology Law Group  
202.256.0120  
TLG Conference Bridge:  
703.229.6741, PIN: 854#

Sent from my iPhone

On Apr 11, 2025, at 1:17 PM, Erin Leahy <[erin.leahy@ohioago.gov](mailto:erin.leahy@ohioago.gov)> wrote:

Hi Neil,

We will agree to extensions to April 30 for responses from all three defendants. If you require additional time beyond these extensions, we ask you to seek intervention of the Court based on the narratives Greg has provided to us as to why you require additional time to respond to Plaintiffs' outstanding discovery requests. As to your confusion on the receipt of the discovery demands for Avid described in Greg's emails, moving forward, let's all agree that email correspondence will lead with the following in the subject line: "**AZ v. Avid Telecom**". Additionally, *all* counsel of record for the lead plaintiff states should be included in all emails, not just Tracy and me.

Further, if Greg would like us to continue to correspond with him directly, he will need to file his pro hac in this matter so that he is recognized as counsel of record and receives the ECF notifications.

We have been working on an ESI protocol. We will send it later today or by Monday/Tuesday next week at the latest.

We have shared with the State Claims States your request to have a meet-and-confer that includes counsel for the State Claims States in addition to the Leadership team. We have also kept the State Claims States apprised of all of our dealings with counsel in this matter. For this reason and others, the State Claims States would prefer for you to continue to deal with the Leadership team exclusively on this matter. Nevertheless, if necessary, they are willing to join a call with you and the Lead states. However, we must insist that you provide a detailed agenda in advance as to the



nature of the disputes at issue so that we may be prepared to discuss. This will ensure the meeting is as productive as possible. Please let us know when you will provide an agenda and we will send you dates/times of availability.

Have a good weekend.

Thanks, Erin

<image001.png>

Erin B. Leahy  
Senior Assistant Attorney General  
Consumer Protection Section  
Office of Ohio Attorney General Dave Yost  
30 East Broad St., 14<sup>th</sup> Floor  
Columbus, Ohio 43215

Office number: 614-752-4730

[Erin.Leahy@OhioAGO.gov](mailto:Erin.Leahy@OhioAGO.gov)

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**From:** Neil Ende <[nende@tlgdc.com](mailto:nende@tlgdc.com)>

**Sent:** Friday, April 11, 2025 11:00 AM

**To:** Erin Leahy <[erin.leahy@OhioAGO.gov](mailto:erin.leahy@OhioAGO.gov)>; Nayer, Tracy <[Tnayer@ncdoj.gov](mailto:Tnayer@ncdoj.gov)>

**Cc:** Alyse.Meislik@azag.gov; Douglas Swetnam (IN AG) (<[douglas.swetnam@atg.in.gov](mailto:douglas.swetnam@atg.in.gov)>); <[douglas.swetnam@atg.in.gov](mailto:douglas.swetnam@atg.in.gov)>; Dylan Jones (AZ AG) (<[Dylan.Jones@azag.gov](mailto:Dylan.Jones@azag.gov)>); <[Dylan.Jones@azag.gov](mailto:Dylan.Jones@azag.gov)>; Laura Dilweg (AZ AG) (<[Laura.Dilweg@azag.gov](mailto:Laura.Dilweg@azag.gov)>); <[Laura.Dilweg@azag.gov](mailto:Laura.Dilweg@azag.gov)>; Michel Singer Nelson (CO AG) (<[michel.singernelson@coag.gov](mailto:michel.singernelson@coag.gov)>); <[michel.singernelson@coag.gov](mailto:michel.singernelson@coag.gov)>; Sarah Pelton (AZ AG) (<[Sarah.Pelton@azag.gov](mailto:Sarah.Pelton@azag.gov)>); <[Sarah.Pelton@azag.gov](mailto:Sarah.Pelton@azag.gov)>; Sparko, Rochelle <[rsparko@NCDOJ.GOV](mailto:rsparko@NCDOJ.GOV)>; Thomas Martindale (IN AG) (<[Thomas.Martindale@atg.in.gov](mailto:Thomas.Martindale@atg.in.gov)>); <[Thomas.Martindale@atg.in.gov](mailto:Thomas.Martindale@atg.in.gov)>; Greg Taylor <[gtaylor@tlgdc.com](mailto:gtaylor@tlgdc.com)>

**Subject:** Re: RE: Plaintiffs' First Request for Production to Avid Telecom

We will respond to your outstanding requests to all three defendants by April 30 on the assumption that we have an ESI agreement in place by then that makes it possible for both sides to respond.

Given the number of players on your side, I suggest that you determine several common dates of availability and provide them to me rather than my picking dates essentially at random. Agreed?

Neil S. Ende, Esq.  
Managing Partner  
Technology Law Group, LLC

nende@tlgdc.com  
202-895-1707 (Office)  
202-256-0120 (Mobile)  
703-229-6741 PIN 854# (Voice Conference Bridge)

---

**From:** Erin Leahy <[erin.leahy@OhioAGO.gov](mailto:erin.leahy@OhioAGO.gov)>  
**Date:** Friday, April 4, 2025 at 3:04 PM  
**To:** Neil Ende <[nende@tlgdc.com](mailto:nende@tlgdc.com)>, Nayer, Tracy <[Tnayer@ncdoj.gov](mailto:Tnayer@ncdoj.gov)>  
**Cc:** [Alyse.Meislik@azag.gov](mailto:Alyse.Meislik@azag.gov) <[Alyse.Meislik@azag.gov](mailto:Alyse.Meislik@azag.gov)>, Douglas Swetnam (IN AG) ([douglas.swetnam@atg.in.gov](mailto:douglas.swetnam@atg.in.gov)) <[douglas.swetnam@atg.in.gov](mailto:douglas.swetnam@atg.in.gov)>, Dylan Jones (AZ AG) ([Dylan.Jones@azag.gov](mailto:Dylan.Jones@azag.gov)) <[Dylan.Jones@azag.gov](mailto:Dylan.Jones@azag.gov)>, Laura Dilweg (AZ AG) ([Laura.Dilweg@azag.gov](mailto:Laura.Dilweg@azag.gov)) <[Laura.Dilweg@azag.gov](mailto:Laura.Dilweg@azag.gov)>, Michel Singer Nelson (CO AG) ([michel.singernelson@coag.gov](mailto:michel.singernelson@coag.gov)) <[michel.singernelson@coag.gov](mailto:michel.singernelson@coag.gov)>, Sarah Pelton (AZ AG) ([Sarah.Pelton@azag.gov](mailto:Sarah.Pelton@azag.gov)) <[Sarah.Pelton@azag.gov](mailto:Sarah.Pelton@azag.gov)>, Sparko, Rochelle <[rsparko@NCDOJ.GOV](mailto:rsparko@NCDOJ.GOV)>, Thomas Martindale (IN AG) ([Thomas.Martindale@atg.in.gov](mailto:Thomas.Martindale@atg.in.gov)) <[Thomas.Martindale@atg.in.gov](mailto:Thomas.Martindale@atg.in.gov)>, Greg Taylor <[gtaylor@tlgdc.com](mailto:gtaylor@tlgdc.com)>  
**Subject:** RE: Plaintiffs' First Request for Production to Avid Telecom

Hi Neil,

As indicated in the attached previous email, Plaintiffs would like to get an ESI agreement in place prior to producing the remaining production so that we have agreement on the specifics of the production. The CDRs records alone are 7 terabytes. We have been working on a draft and plan to get that to you next week.

Regarding your request for a meet and confer as to our responses to the Requests for Admission, we are happy to coordinate a call and will ensure that a representative from each of the states with state law claims is available to discuss issues of law and fact, as well as the other states you mentioned to discuss the federal claims. Would you like to propose some dates and times that will work for you? Given the number of participants that may be involved, it would be best to provide a handful of date/time options and likely in the afternoon since we have some folks in other time zones. We have a group of states that meet weekly for this case on Tuesdays at 2pmET. The standing group does not include all the states with state law claims, but it may be a good day/time option since it is already reserved on many of our calendars.

Additionally, in light of our need to get the ESI agreement in place for the production of documents, we will consent to the requested extension (to April 30) to respond to Plaintiffs' First Set of Requests for Production to Avid Telecom. If possible, we would appreciate it if you are able to at least provide the written responses by April 11.

Sincerely,

<image001.png> Erin B. Leahy  
Senior Assistant Attorney General  
Consumer Protection Section  
Office of Ohio Attorney General Dave Yost  
30 East Broad St., 14<sup>th</sup> Floor  
Columbus, Ohio 43215



Office number: 614-752-4730

Fax number: 866-768-2648

[Erin.Leahy@OhioAGO.gov](mailto:Erin.Leahy@OhioAGO.gov)

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**From:** Neil Ende <[nende@tlgdc.com](mailto:nende@tlgdc.com)>

**Sent:** Wednesday, April 2, 2025 11:23 AM

**To:** Nayer, Tracy <[Tnayer@ncdoj.gov](mailto:Tnayer@ncdoj.gov)>

**Cc:** [Alyse.Meislik@azag.gov](mailto:Alyse.Meislik@azag.gov); Douglas Swetnam (IN AG) ([douglas.swetnam@atg.in.gov](mailto:douglas.swetnam@atg.in.gov)) <[douglas.swetnam@atg.in.gov](mailto:douglas.swetnam@atg.in.gov)>; Dylan Jones (AZ AG) ([Dylan.Jones@azag.gov](mailto:Dylan.Jones@azag.gov)) <[Dylan.Jones@azag.gov](mailto:Dylan.Jones@azag.gov)>; Erin Leahy <[erin.leahy@OhioAGO.gov](mailto:erin.leahy@OhioAGO.gov)>; Laura Dilweg (AZ AG) ([Laura.Dilweg@azag.gov](mailto:Laura.Dilweg@azag.gov)) <[Laura.Dilweg@azag.gov](mailto:Laura.Dilweg@azag.gov)>; Michel Singer Nelson (CO AG) ([michel.singernelson@coag.gov](mailto:michel.singernelson@coag.gov)) <[michel.singernelson@coag.gov](mailto:michel.singernelson@coag.gov)>; Sarah Pelton (AZ AG) ([Sarah.Pelton@azag.gov](mailto:Sarah.Pelton@azag.gov)) <[Sarah.Pelton@azag.gov](mailto:Sarah.Pelton@azag.gov)>; Sparko, Rochelle <[rsparko@NCDOJ.GOV](mailto:rsparko@NCDOJ.GOV)>; Thomas Martindale (IN AG) ([Thomas.Martindale@atg.in.gov](mailto:Thomas.Martindale@atg.in.gov)) <[Thomas.Martindale@atg.in.gov](mailto:Thomas.Martindale@atg.in.gov)>; Greg Taylor <[gtaylor@tlgdc.com](mailto:gtaylor@tlgdc.com)>

**Subject:** Re: Plaintiffs' First Request for Production to Avid Telecom

**Importance:** High

Tracy:

Good morning!

Thank you for your email and the offer of a short extension of time.

Given the extraordinary (we'll leave it as that for now) scope of your requests (hundreds of requests, many with large numbers of subparts) and the very limited economic and personnel resources available to our clients, we will not be able to respond by April 11. We will need *at least* the 30-day extension that we requested.

Please advise if you will consent or whether we need to seek relief from the Court.

Do you have an update of the AG's incomplete responses to our first requests? We would like to receive full production/responses ASAP and we want to set a time shortly thereafter for a meet and confer call. We are particularly interested in discussion as number of very concerning responses we received to our Requests for Admission. To be clear, at a minimum, we need to have an AG-representative on that meet and confer call that works directly for each of the (12) individual state Plaintiffs to address state law fact/law issues, as well as an AG-representative of the following states to address the facts/legal issues relevant to the federal claims: Arizona, Colorado Indiana, North Carolina and Ohio. As each of the individual states has made factual and legal representations and claims, we clearly have the right to engage with a representative of each Plaintiff *directly*. As a member of the leadership team, we ask that you facilitate our ability to do so by coordinating a day/time for a call that includes a AAG from each if the identified states.

We look forward to your timely response.

Thank you.

Neil S. Ende, Esq.  
Managing Partner  
Technology Law Group, LLC  
[nende@tlgdc.com](mailto:nende@tlgdc.com)  
202-895-1707 (Office)  
202-256-0120 (Mobile)  
703-229-6741 PIN 854# (Voice Conference Bridge)

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**From:** Nayer, Tracy  
**Date:** Wednesday, April 2, 2025 at 10:51 AM  
**To:** Greg Taylor , Neil Ende  
**Cc:** [Alyse.Meislik@azag.gov](mailto:Alyse.Meislik@azag.gov) , Douglas Swetnam (IN AG) ([douglas.swetnam@atg.in.gov](mailto:douglas.swetnam@atg.in.gov)) , Dylan Jones (AZ AG) ([Dylan.Jones@azag.gov](mailto:Dylan.Jones@azag.gov)) , Erin Leahy (OH AG) ([erin.leahy@ohioago.gov](mailto:erin.leahy@ohioago.gov)) , Laura Dilweg (AZ AG) ([Laura.Dilweg@azag.gov](mailto:Laura.Dilweg@azag.gov)) , Michel Singer Nelson (CO AG) ([michel.singernelson@coag.gov](mailto:michel.singernelson@coag.gov)) , Sarah Pelton (AZ AG) ([Sarah.Pelton@azag.gov](mailto:Sarah.Pelton@azag.gov)) , Sparko, Rochelle , Thomas Martindale (IN AG) ([Thomas.Martindale@atg.in.gov](mailto:Thomas.Martindale@atg.in.gov))  
**Subject:** RE: Plaintiffs' First Request for Production to Avid Telecom

Thank you for your response, Greg. At this time, Plaintiffs can agree to enlarge the date responses are due to Plaintiffs' First Set of Requests for Production to Avid Telecom to Friday, April 11.

**Tracy Nayer**  
Special Deputy Attorney General  
Consumer Protection Division  
North Carolina Department of Justice  
(919) 716-6581  
<image002.png> [tnayer@ncdoj.gov](mailto:tnayer@ncdoj.gov)  
Post Office Box 629, Raleigh, NC 27602  
114 West Edenton Street, Raleigh, NC 27603  
<https://ncdoj.gov/>

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**From:** Greg Taylor  
**Sent:** Monday, March 31, 2025 2:40 PM  
**To:** Erin Leahy ; Neil Ende  
**Cc:** Nayer, Tracy ; Sparko, Rochelle ; Michel Singer Nelson ; Swetnam, Douglas ; Meislik, Alyse ; Jones, Dylan ; Dilweg, Laura ; Pelton, Sarah ; Martindale, Thomas L  
**Subject:** Re: Plaintiffs' First Request for Production to Avid Telecom

Erin:

Apologies for the late reply.

We are working diligently to provide responses to the voluminous requests. Despite our efforts, we are still in the process of gathering documents that still need to be reviewed for privilege, etc.

We ask to amend our response date to April 30 to give us time to fully respond to your requests.

Please confirm your agreement with the forgoing.

Best,  
Greg

---

**From:** Erin Leahy <[erin.leahy@OhioAGO.gov](mailto:erin.leahy@OhioAGO.gov)>

**Date:** Monday, March 31, 2025 at 12:08 PM

**To:** Neil Ende <[nende@tlgdc.com](mailto:nende@tlgdc.com)>, Greg Taylor <[gtaylor@tlgdc.com](mailto:gtaylor@tlgdc.com)>

**Cc:** "Nayer, Tracy" <[Tnayer@ncdoj.gov](mailto:Tnayer@ncdoj.gov)>, "Sparko, Rochelle" <[rsparko@ncdoj.gov](mailto:rsparko@ncdoj.gov)>, Michel Singer Nelson <[michel.singernelson@coag.gov](mailto:michel.singernelson@coag.gov)>, "Swetnam, Douglas" <[Douglas.Swetnam@atg.in.gov](mailto:Douglas.Swetnam@atg.in.gov)>, "Meislik, Alyse" <[Alyse.Meislik@azag.gov](mailto:Alyse.Meislik@azag.gov)>, "Jones, Dylan" <[Dylan.Jones@azag.gov](mailto:Dylan.Jones@azag.gov)>, "Dilweg, Laura" <[ldilweg@azag.gov](mailto:ldilweg@azag.gov)>, "Pelton, Sarah" <[Sarah.Pelton@azag.gov](mailto:Sarah.Pelton@azag.gov)>, "Martindale, Thomas L" <[Thomas.Martindale@atg.in.gov](mailto:Thomas.Martindale@atg.in.gov)>

**Subject:** RE: Plaintiffs' First Request for Production to Avid Telecom

Hello Neil and Greg,

I have not received a response to my email below regarding the overdue discovery responses from Avid Telecom. Please provide an update.

Sincerely,

<image003.png> Erin B. Leahy  
Senior Assistant Attorney General  
Consumer Protection Section  
Office of Ohio Attorney General Dave Yost  
30 East Broad St., 14<sup>th</sup> Floor  
Columbus, Ohio 43215

Office number: 614-752-4730

Fax number: 866-768-2648

[Erin.Leahy@OhioAGO.gov](mailto:Erin.Leahy@OhioAGO.gov)

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**From:** Erin Leahy

**Sent:** Wednesday, March 26, 2025 5:02 PM

**To:** Neil Ende <[nende@tlgdc.com](mailto:nende@tlgdc.com)>; [gtaylor@tlgdc.com](mailto:gtaylor@tlgdc.com)

**Cc:** Nayer, Tracy <[Tnayer@ncdoj.gov](mailto:Tnayer@ncdoj.gov)>; Sparko, Rochelle <[rsparko@ncdoj.gov](mailto:rsparko@ncdoj.gov)>; Michel Singer Nelson <[michel.singernelson@coag.gov](mailto:michel.singernelson@coag.gov)>; Swetnam, Douglas <[Douglas.Swetnam@atg.in.gov](mailto:Douglas.Swetnam@atg.in.gov)>; Meislik, Alyse <[Alyse.Meislik@azag.gov](mailto:Alyse.Meislik@azag.gov)>; Jones, Dylan <[Dylan.Jones@azag.gov](mailto:Dylan.Jones@azag.gov)>; Dilweg, Laura <[ldilweg@azag.gov](mailto:ldilweg@azag.gov)>; Pelton, Sarah <[Sarah.Pelton@azag.gov](mailto:Sarah.Pelton@azag.gov)>; Martindale, Thomas L <[Thomas.Martindale@atg.in.gov](mailto:Thomas.Martindale@atg.in.gov)>

**Subject:** RE: Plaintiffs' First Request for Production to Avid Telecom

Good afternoon Neil and Greg,

We have not received written responses to the Plaintiffs' First Set of Requests for Production to Avid Telecom which were served on February 21, 2025. The responses were due Monday, March 24, 2025.

Please provide the responses at your earliest convenience.

Sincerely,

<image003.png> Erin B. Leahy  
Senior Assistant Attorney General  
Consumer Protection Section  
Office of Ohio Attorney General Dave Yost  
30 East Broad St., 14<sup>th</sup> Floor  
Columbus, Ohio 43215

Office number: 614-752-4730  
Fax number: 866-768-2648  
[Erin.Leahy@OhioAGO.gov](mailto:Erin.Leahy@OhioAGO.gov)

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---

**From:** Martindale, Thomas L <[Thomas.Martindale@atg.in.gov](mailto:Thomas.Martindale@atg.in.gov)>

**Sent:** Friday, February 21, 2025 12:39 PM

**To:** Neil Ende <[nende@tlgdc.com](mailto:nende@tlgdc.com)>; [gtaylor@tlgdc.com](mailto:gtaylor@tlgdc.com)

**Cc:** Nayer, Tracy <[Tnayer@ncdoj.gov](mailto:Tnayer@ncdoj.gov)>; Erin Leahy <[erin.leahy@OhioAGO.gov](mailto:erin.leahy@OhioAGO.gov)>; Sparko, Rochelle <[rsparko@ncdoj.gov](mailto:rsparko@ncdoj.gov)>; Patrick Crotty <[Patrick.Crotty@MyFloridaLegal.com](mailto:Patrick.Crotty@MyFloridaLegal.com)>; Michel Singer Nelson <[michel.singernelson@coag.gov](mailto:michel.singernelson@coag.gov)>; Swetnam, Douglas <[Douglas.Swetnam@atg.in.gov](mailto:Douglas.Swetnam@atg.in.gov)>; Meislik, Alyse <[Alyse.Meislik@azag.gov](mailto:Alyse.Meislik@azag.gov)>; Jones, Dylan <[Dylan.Jones@azag.gov](mailto:Dylan.Jones@azag.gov)>; Dilweg, Laura <[ldilweg@azag.gov](mailto:ldilweg@azag.gov)>; Pelton, Sarah <[Sarah.Pelton@azag.gov](mailto:Sarah.Pelton@azag.gov)>; Martindale, Thomas L

<[Thomas.Martindale@atg.in.gov](mailto:Thomas.Martindale@atg.in.gov)>

**Subject:** Plaintiffs' First Request for Production to Avid Telecom

Good afternoon,

Attached you will find Plaintiffs' First Request for Production to Avid Telecom. Please respond with your production within 30 days. If physical production is necessary, please provide that to the Arizona Attorney General's Office.

Thank you, Tom

**Thomas Martindale**

Deputy Attorney General

Data Privacy & Identity Theft Unit

Consumer Protection Division

Office of Attorney General Todd Rokita

302 West Washington Street, IGCS 5<sup>th</sup> Floor

Indianapolis, IN 46204

p: (317)232-7751 | f: (317)232-7979

[thomas.martindale@atg.in.gov](mailto:thomas.martindale@atg.in.gov)